

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-4 and 6-11 remain pending. Claims 1, 6, 7 and 8 have been amended through this Reply. Claims 1, 6, 7 and 8 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

OBJECTION TO THE SPECIFICATION

The title is objected to for minor informalities. *See Office Action, item 2.* The specification has been amended to address this objection. Applicant respectfully requests that the objection to the specification be withdrawn.

35 U.S.C. § 103 REJECTION – MORIMOTO IN VIEW OF AOTSUKA

Claims 1, 4-8, and 9-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morimoto (JP 07-143513) (hereinafter “Morimoto”) in view of Aotsuka (U.S. Patent Application Publication No. 2003/0058357 A1) (hereinafter “Aotsuka”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, A solid-state imaging apparatus comprising: ... a signal processor that subjects photographed image data output from the solid-state imaging device to white balance correction at a gain corresponding to plurality of light source types, wherein the solid-state imaging device further comprises a sensor that has a filter different from said plurality of types of color filters and detects light in a wavelength range which induces a difference having a predetermined value or more between radiant energy of a first light source and radiant energy

of a second light source, the sensor being provided on the surface of the solid-state imaging device” Emphasis added.

The Office Action acknowledges that Morimoto fails to teach or suggest “a sensor having a filter difference from the plurality of types of color filters.” (See Office Action page 4). The Office Action attempts to combine Aosuka to cure the deficiency in Morimoto as admitted by the Examiner. The Office Action alleges that Aosuka teaches an image pickup apparatus that distinguishes between light sources (FIG. 3). The Office Action further alleges that red, green, and blue filters are used for regular image capturing and long red filters are used on other pixels to detect the kind of illuminating light source (paragraphs [0078] – [0082]).

Applicant believes that the Office Action’s attempt to equate color filters and long red filters to the features in the instant application is in error. Aosuka merely teaches that the long red filter is used to detect presence or absence of long red light to determine the kind of illuminating light source so that the image acquisition parameter is optimized. However, Aosuka fails to teach or suggest that the imaging apparatus includes “white balance correction at a gain corresponding to plurality of light source types,” wherein the solid state imaging device further detects light in a wavelength range which “induces a difference having a predetermined value or more between radiant energy of a first light source and radiant energy of a second light source,” as recited in claim 1. Aosuka’s long red filter is a single light source used to determine amount of available light source before the image device acquires an image. Therefore, Aosuka fails to teach or suggest the feature deficient in Morimoto.

Similarly, independent claims 6, 7, and 8 include some of the features in claim 1. Therefore, for at least these reasons, independent claims 1, 6, 7, and 8 are distinguishable from the combination of Morimoto and Aosuka. Claims 4 and 9-11 depend from claims 1, 6, and 8. Therefore, for at least the reasons stated with respect to claims 1, 6, and 8, claims 4 and 9-11 are also distinguishable over the combination of Morimoto and Aosuka.

Applicant respectfully requests that the rejection of claims 1, 4-8, and 9-11, based on Morimoto and Aosuka, be withdrawn.

35 U.S.C. § 103 REJECTION – MORIMOTO IN VIEW OF AOTSUKA AND KITAJIMA

Claim 2 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morimoto in view of Aotsuka and Kitajima (U.S. Patent No. 5,808,681) (hereinafter “Kitajima”). Applicant respectfully traverses.

As presented above, Morimoto and Aotsuka fails to teach or suggest includes “white balance correction at a gain corresponding to plurality of light source types” and “detects light in a wavelength range which induces a difference having a predetermined value or more between radiant energy of a first light source and radiant energy of a second light source.” In addition, Kitajima fails to teach or suggest the above limitation to supplement Morimoto and Aotsuka’s missing feature.

As set forth on page 5 of the Office Action, the Examiner relies on Kitajima as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance on Kitajima, however, fails to make up for the deficiencies of Morimoto and Aotsuka discussed above with respect to Claim 1. Therefore, the asserted combination of Morimoto and Aotsuka and Kitajima (assuming these references may be combined, which applicant does not admit) fails to establish *prima facie* obviousness of any pending claims.

35 U.S.C. § 103 REJECTION – MORIMOTO IN VIEW OF AOTSUKA AND YAMADA

Claim 3 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Morimoto in view of Aotsuka and Yamada (U.S. Patent Application Publication No. 2002/0012463 A1) (hereinafter “Yamada”). Applicant respectfully traverses.

As presented above, Morimoto and Aotsuka fails to teach or suggest “white balance correction at a gain corresponding to plurality of light source types” and “detects light in a wavelength range which induces a difference having a predetermined value or more between radiant energy of a first light source and radiant energy of a second light source.” In addition, Yamada fails to teach or suggest the above limitation to supplement Morimoto and Aotsuka’s missing feature.

As set forth on page 6 of the Office Action, the Examiner relies on Yamada as allegedly pertaining to incremental features of the above listed dependent claims. The Examiner’s reliance

The Examiner's reliance on Yamada, however, fails to make up for the deficiencies of Morimoto and Aotsuka discussed above with respect to Claim 1. Therefore, the asserted combination of Morimoto and Aotsuka and Yamada (assuming these references may be combined, which applicant does not admit) fails to establish *prima facie* obviousness of any pending claims.

Conclusion

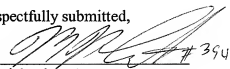
In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson, Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated: **APR 28 2008**

Respectfully submitted,

By  # 39491
D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant